

# PDC

## PORTLAND DEVELOPMENT COMMISSION

**DATE:** June 11, 2008  
**TO:** Board of Commissioners  
**FROM:** Bruce A. Warner, Executive Director  
**SUBJECT:** Report Number 08-79  
Intergovernmental Agreement with City of Portland

### EXECUTIVE SUMMARY

#### BOARD ACTION REQUESTED

Adopt Resolution No. 6601

#### ACTION SUMMARY

This resolution will authorize the Executive Director to enter into an Intergovernmental Agreement with the City of Portland to promote consistent legal advice and interpretation on issues of mutual concern to the Portland Development Commission and the City Council. Specifically, upon the written request of three members of the City Council with respect to a particular legal issue, the Portland Development Commission shall request the opinion of the City Attorney on that issue. If the issue relates to general policies or practices (other than the internal operations of the Commission) regarding the use of the proceeds of borrowings or bonds issued by Council, the opinion of the City Attorney shall control. With respect to matters relating to the application of general policies or practices to projects, the City Attorney's opinion shall be advisory only.

The agreement expires in July 2009.

#### PUBLIC BENEFIT

Enhances strategic relationship with governmental partner.

#### PUBLIC PARTICIPATION AND FEEDBACK

Agreement is a product of negotiations between the City and PDC. The Agreement was considered by the City Council at a public hearing on June 4, 2008.

#### COMPLIANCE WITH ADOPTED PLANS AND POLICIES

Complies.

#### FINANCIAL IMPACT

No direct impact.

## **RISK ASSESSMENT**

No risk.

## **WORK LOAD IMPACT**

Assuming the requests for consultation with the City Attorney are infrequent, no substantial impact. If the requests are frequent or involve complex legal issues, additional staff attorney time will be necessary to coordinate with the City Attorney on the response to the requests.

## **ALTERNATIVE ACTIONS**

The Commission could choose not to authorize the Agreement, in which case the City Council would likely engage the Commission in further discussions regarding the coordination of legal advice on issues of mutual concern.

## **CONCURRENCE**

Legal and other applicable departments have reviewed and approved the resolution and Agreement.

## **BACKGROUND**

Certain members of the City Council have recently sought greater coordination between the PDC General Counsel and the City Attorney on issues of mutual concern to the Commission and the City Council. The Council initially proposed that the City Attorney assume the responsibility for providing legal services to the Commission. The Agreement represents a compromise between the Council's initial proposal and the Commission's desire to retain its own legal counsel. Under the Agreement, the Commission retains its own legal counsel but is required to consult with the City Attorney under certain circumstances.

## **ATTACHMENTS:**

**CC:** Keith Witcosky, Government Relations Director  
David Elott, Interim General Counsel  
John Jackley, Executive Operations Manager